

# **EXHIBIT C**

5 JEFFREY W. TAM, )  
6 Plaintiff, )  
7 )  
8 v. ) CASE NO.  
9 ) 07-2747 SI  
10 JOHN E. POTTER, )  
11 Defendant. )

16 DEPOSITION OF JEFFREY TAM  
17 WEDNESDAY, DECEMBER 12, 2007

21 BEHMKE REPORTING & VIDEO SERVICES  
22 BY: CARYE C. TORRES, CSR #10685, CRP  
23 160 SPEAR STREET, SUITE 300  
24 SAN FRANCISCO, CALIFORNIA 94105  
25 (415) 597-5600





1 that you believed you were discriminated against because  
2 you weren't reassigned from being a bulk-mail assistant  
3 to a driver --

4 A Mm-hmm.

5 Q -- is that right?

6 A Yes.

7 Q Can you explain what you meant by that.

8 A They have another driver. They bid up to be a  
9 bulk-mail assistant, and then from bulk-mail assistant,  
10 go back to driving, and they allow them, and they allow  
11 them go back to full-time regular, but not allow me to  
12 do so.

13 Q Okay.

14 A Even they allow me at the time in 2002. I tell  
15 him finish the training, and he refused to let me go  
16 back.

17 Q When was the first time you made a request?

18 A In 2002.

19 Q That was the -- so in 2002 that was the first  
20 time you made a request to switch back from a bulk-mail  
21 assistant to a driver?

22 A Yes, because the hours start back -- after --  
23 after I relief from the supervisor 204-B, and then the  
24 hours start hurting me again, that double back. When  
25 I -- Monday I get off at 11:30 at night, I had to double

1 a couple hours. And that hour -- that kind of schedule  
2 hurted me. And they are violation of the contract in  
3 Article 8, which state that in the consecutive days,  
4 they're supposed to be spread evenly.

5 And also they violate the contract on  
6 Article 14, that management supposed to provide a safe  
7 condition for employee, which is not safe condition for  
8 me, that kind of schedule hour.

9 And they violate the contract on Article 1.6,  
10 because they tried to eliminate two of the lead  
11 position, and they use the supervisor doing the clerk's  
12 work.

13 Q Let me just stop you for a second.

14 So when you were -- when you were still an  
15 acting supervisor of transportation in 2002, was your  
16 schedule the same?

17 A Yes, schedule the same. 7 o'clock in the  
18 morning.

19 Q And after you were removed from acting -- from  
20 the position as acting supervisor, you requested  
21 reassignment to a driver?

22 A Not reassignment. Resume my bid. That mean go  
23 back to my own bid.

24 Q So you asked to become a bulk-mail assistant  
25 again?

1 STATE OF CALIFORNIA )

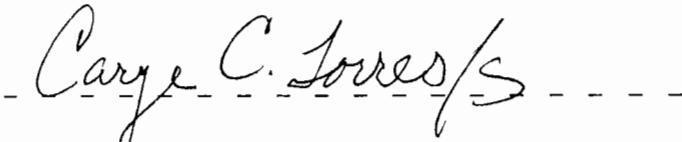
2 )

3 COUNTY OF SAN MATEO )

4 I hereby certify that the witness in the  
5 foregoing deposition of JEFFREY TAM, was by me duly sworn  
6 to testify to the truth, the whole truth and nothing but  
7 the truth, in the within-entitled cause; that said  
8 deposition was taken at the time and place herein named;  
9 that the deposition is a true record of the witness's  
10 testimony as reported by me, a duly certified shorthand  
11 reporter and a disinterested person, and was thereafter  
12 transcribed into typewriting by computer.

13 I further certify that I am not interested in  
14 the outcome of the said action, nor connected with, nor  
15 related to any of the parties in said action, nor to  
16 their respective counsel.

17 IN WITNESS WHEREOF, I have hereunto set my hand  
18 this 26th day of December, 2007.

19   
20 - - - - -  
21

22 CARYE C. TORRES, CSR #10685  
23  
24 STATE OF CALIFORNIA  
25